THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21189 OF 2005

DATED:29.9.2005

Between:

Dantla Ramarao and others

…Petitioners

And

The Collector & District Magistrate,

Visakhapatnam, Visakhapatnam District and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.21189 OF 2005

ORDER:

The petitioners claim to be owners of lands in Kannampet Village, in Visakhapatnam District. The land belonging to the petitioners was acquired for public purpose, to wit provision of house sites. After following due process of the Land Acquisition Act, 1894 an award was passed under Section 11 of the Act by second respondent being award No.1/86-87 on 2.8.2986. The petitioners allegedly approached the second respondent and filed their applications on 20.8.1986 seeking reference to Civil Court for enhancement of compensation. As the same was not referred, after lapse of almost two decades, petitioners now invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking a Writ of Mandamus directing second respondent to refer the dispute regarding

compensation to Civil Court under Section 18 of the Act.

The petitioners have filed Xerox copies of the applications dt.20.8.1986 allegedly filed before second respondent. But, no evidence is produced before this Court showing that they were in fact filed before the Land Acquisition Officer, and no acknowledgment is produced. Be that as it is, when the petitioners are aware that the land was acquired in 1985 and award was passed in 1986, nothing prevented them from approaching this Court. However, no action was taken by the petitioners with regard to alleged applications made under Section 18 of the Act. Such stale claim cannot be entertained in Writ Petition.

The Writ Petition is accordingly dismissed.

_____

(V.V.S.RAO, J)

29.9.2005

bnr